
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MICHAEL MOUNT, #22491-078

§

versus

§

UNITED STATES OF AMERICA

§

CIVIL ACTION NO. 4:17-CV-864

§ CRIMINAL ACTION NO. 4:14-CR-28(20)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation (#9) concluding that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255 should be denied and dismissed with prejudice as untimely. Movant timely filed objections (#11)¹.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and the objections of Movant are without merit. Movant fails to show he is entitled to equitable tolling.

It is accordingly **ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

¹ The Court notes that Movant filed a second set of objections that were not considered as they were untimely filed.

SIGNED at Beaumont, Texas, this 9th day of December, 2019.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE